IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22190 of 2004

Between:

M/s. Makhan Lal dhanuka & Co Dhanuka Bhawan Bargarh (Orissa), rep by Proprietor-Sunil Kumar Dhanuka, S/o Sajaan Kumr Dhanuka

..... PETITIONER

AND

1 The Commissioner of Prohibition and Excise Andhra Pradesh, Hyderabad
2 The Prohibition and Excise Superintendent, Bobbili, Vizianagram District
3 NCS Sugars Limited Bobbili, Vizianagaram District
4 Sri Vijayarama Gajapathi Coop. Sugars Ltd. Bhimasingi No. B 1242, Kumaram Vizianagram District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, preferably one in the nature of Writ of Mandamus, declaring that the respondnets-1 and 2 have no jurisdiction to cause any restriction on the transport of Molasses by the petitioner from Andhra Pradesh State to any other place in the other States in India as such restriction is illegal and without jurisdiction apart from being violative of Article 19 (1)(g) of the Constitution of India.

Counsel for the Petitioner: MR.E.MARUTHI RAJA

Counsel for the Respondents 1 and 2: GP FOR PROHIBITION & EXCISE

The Court at the stage of admission made the following ORDER:

Petitioner claims to be the supplier of Molasses to various industrial units in the State of Orissa. It is alleged that Molasses is purchased from the various sugar factories in the State of Andhra Pradesh and is transported to the State of Orissa. The petitioner complains that respondents 1 and 2 are interfering with such transport.

Heard learned counsel for the petitioner and learned Government Pleader for Prohibition & Excise.

The necessity to obtain licence or transport permit for possessing or transporting Molasses was considered by this Court in *M/s Gauri Industries (Manufacturers of Rectified Spirit) v. Commissioner of Prohibition and Excise, Andhra Pradesh* (W.P.No.8136 of 2004), which, in turn, followed certain Judgments of the Division Bench. It was held therein that no permit is needed for transporting the Molasses under valid purchase bills. A rider was added to the effect that in case the Molasses is used for manufacture of any illicit liquor, or for other unauthorized purposes, it can certainly be seized.

Following the same, this writ petition is disposed of directing that-

a. Respondents 1 and 2 shall not interfere with the transport of the Molasses by the petitioner as long as it is meant for manufacture of

any product, which is not prohibited by law;

b. The petitioner shall not be entitled to use the Molasses so transported for manufacture of the illicit liquor or other products prohibited by law; and

c. There shall be no order as to costs.

10.12.2004

Note:

Issue CC in three days.

(BO)

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To

1 The Commissioner of Prohibition and Excise Andhra Pradesh, Hyderabad
2 The Prohibition and Excise Superintendent, Bobbili, Vizianagram District
3 Two C.Cs. to the Government Pleader for Prohibition & Excise, High Court Buildings, A.P., Hyderabad, (OUT).

4 Two C.D. Copies.